

CHRISTOPHER FROST (SBN 200336)
chris@frostllp.com
JOHN MAATTA (SBN 83683)
john@frostllp.com
JOSHUA STAMBAUGH (SBN 233834)
josh@frostllp.com
LAWRENCE J.H. LIU (SBN 312115)
lawrence@frostllp.com
FROST LLP
10960 Wilshire Boulevard, Suite 2100
Los Angeles, California 90024
Telephone: (424) 254-0441

SHAUNA A. IZADI (Admitted *Pro Hac Vice*)
sizadi@izadilegal.com
IZADI LEGAL GROUP, PLLC
13155 Noel Rd, Suite 900
Dallas, Texas 75240

Attorneys for Defendants Celestron Acquisition, LLC, Synta Technology Corp., Suzhou Synta Optical Technology Co., Ltd., Synta Canada Int'l Enterprises Ltd., SW Technology Corp., Olivon Manufacturing Co. Ltd., Olivon USA, LLC, Nantong Schmidt Optoelectrical Technology Co. Ltd., Pacific Telescope Corp., Corey Lee, David Shen, Sylvia Shen, Jack Chen, Jean Shen, Joseph Lupica, Dave Anderson, Laurence Huen

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

IN RE TELESCOPES ANTITRUST LITIGATION
THIS DOCUMENT RELATES TO:

AURORA ASTRO PRODUCTS, LLC, PIONEER CYCLING & FITNESS, LLP; and those similarly situated,

Plaintiffs,
vs.

CELESTRON ACQUISITION, LLC, SUZHOU SYNTA OPTICAL TECHNOLOGY CO., LTD., SYNTA CANADA INT'L ENTERPRISES LTD., SW TECHNOLOGY CORP., OLIVON MANUFACTURING CO. LTD., OLIVON USA, LLC, NANTONG SCHMIDT OPTOELECTRICAL TECHNOLOGY CO. LTD., NINGBO SUNNY ELECTRONIC CO., LTD., PACIFIC TELESCOPE CORP., COREY LEE, DAVID SHEN, SYLVIA SHEN, JACK CHEN, JEAN SHEN, JOSEPH LUPICA, DAVE ANDERSON, LAURENCE HUEN, and DOES 1-50,

Defendants.

Case No. 5:20-cv-03642-EJD

*Assigned for All Purposes to:
Hon. Edward J. Davila*

**SEPARATE STATEMENT OF
UNDISPUTED FACTS IN SUPPORT OF
MOTION BY DEFENDANT SYNTA
CANADA INT'L ENTERPRISES LTD.
FOR SUMMARY JUDGMENT, OR IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

[Filed concurrently with Notice of Motion and Motion for Summary Adjudication, Declaration of Lawrence J. H. Liu and Sylvia Shen]

Hearing

Date: TBD
Time: TBD
Crtrm.: 4 (5th Floor)

Compl. Filed: June 1, 2020
Trial Setting Conference: May 8, 2025

SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS

Claim or Defense	Moving Party's Undisputed Facts/ Supporting Evidence	Opposing Party's Response/ Supporting Evidence
Background Facts Common to All Claims		
	<p>Fact 1: Synta Canada was founded by Defendant David Shen, Sylvia Shen, and Jack Chen in December 1996 after Sylvia Shen and her husband, Jack Chen emigrated to Canada.</p> <p>Liu Decl. Ex. C [S. Shen 30(b)(6) 21:25–22:7]. Declaration of Sylvia Shen [S. Shen Decl. ¶¶ 2, 3].</p>	
	<p>Fact 2: One of the first projects it invested in was Suzhou Synta in 1998.</p> <p>S. Shen Decl. ¶ 3.</p>	
	<p>Fact 3: Initially, David Shen owned 50%, Sylvia Shen owned 30%, and Jack Chen owned 20% of Synta Canada, until the Shen Family Trust and the Chen Family Trust took ownership shares in October 2016.</p> <p>S. Shen Decl. ¶ 4.</p>	
	<p>Fact 4: As an investment holding company over the years, Synta Canada invested in Suzhou Synta, SW Technology (2005), and Nantong Schmidt (2011).</p> <p>S. Shen Decl., ¶ 5; Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 36:7–17].</p>	
	<p>Fact 5: In or around the mid-2010s, Synta Canada engaged in some limited research and development (R&D) with the goal of developing electronic software for telescopes.</p> <p>S. Shen Decl., ¶ 7.</p>	
	<p>Fact 6: Synta Canada ultimately only produced a limited amount of software, which it sold to Nantong Schmidt.</p> <p>S. Shen Decl., ¶ 7.</p>	

Claim or Defense	Moving Party's Undisputed Facts/ Supporting Evidence	Opposing Party's Response/ Supporting Evidence
	<p>Fact 7: Synta Canada never manufactured or distributed telescopes or telescope accessories. Aside from briefly doing research and development work, it has primarily functioned as a passive holding company.</p> <p>S. Shen Decl., ¶ 6.</p>	
	<p>Fact 8: SW Technology, a Delaware-incorporated holding company for specific purpose of acquiring Celestron, was formed in 2005 with Synta Taiwan as the majority investor and Synta Canada as the minority 15% owner, which later increased to 24% owner in 2019.</p> <p>Liu Decl. Ex. A [S. Shen Dep. I 63:15–64:11]; Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 42:4–19].</p>	
	<p>Fact 9: Celestron is SW Technology's wholly owned subsidiary.</p> <p>Liu Decl. Ex. E [Huen Dep. I, 56:9–11]; S. Shen Decl. ¶ 16.</p>	
	<p>Fact 10: As Synta Canada's subsidiary, SW Technology never directly engaged in the manufacturing, sale, or purchase of telescopes.</p> <p>Shen Decl. ¶ 23.</p>	
	<p>Fact 11: Neither SW Technology nor its shareholders committee ("ExCom") exercised any control in the day-to-day business operations of Celestron.</p> <p>Liu Decl. Ex. A [S. Shen Dep. I, at 69:8-10, 73:13-15, 76:19-77:4]; S. Shen Decl. ¶ 24</p>	
	<p>Fact 12: By 2011, now purely a holding company, Synta Canada owned 24% of SW Technology, 20% of Suzhou Synta, and 20% of Nantong Schmidt, the successor to Suzhou Synta.</p> <p>Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 36:22–25, 37:1–10].</p>	

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	<p>Fact 13: For a brief period in the mid-2010s, Synta Canada engaged in research and development for electronic software for telescopes.</p> <p>Liu Decl. Ex. B [S. Shen Dep. II, 118:21–25, 119:1–4]; Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 25:23–26:6]; S. Shen Decl., ¶ 7.</p>	
	<p>Fact 14: For Synta Canada's research and development project, Synta Canada hired its first and only three long-term employees in 2011.</p> <p>Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 23:25–24:24].</p>	
	<p>Fact 15: The outcome of this research and development endeavor was only a limited amount of software, which was sold to Nantong Schmidt.</p> <p>Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 26:15–25, 27:1–12]; S. Shen Decl., ¶ 7.</p>	
	<p>Fact 16: The company only retained these employees until about 2018 and since then has remained employee-less.</p> <p>Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 24:11–16].</p>	
	<p>Fact 17: In 2013, Ningbo Sunny acquired Meade Instruments ("Meade").</p> <p>Liu Decl. Ex. F [P. Roth Dep. I at 29:4-6]; S. Shen Decl. ¶ 28.</p>	
	<p>Fact 18: Synta Canada had no role in the Meade Acquisition. It did not direct, authorize, or facilitate any part of the Meade Acquisition.</p> <p>Shen Decl. ¶ 29; Liu Decl. Ex. A [S. Shen Dep. I 21:2–7]</p>	
	<p>Fact 19: In September 2016, during the beginning of the <i>Orion</i> litigation (N.D. Cal. Case No. 5:16-cv-06370-EJD), Celestron, SW Technology, and other named Defendants in this case entered into a Settlement Agreement with Orion.</p>	

Claim or Defense	Moving Party's Undisputed Facts/ Supporting Evidence	Opposing Party's Response/ Supporting Evidence
	S. Shen Decl. ¶ 26, Ex. A; RJN, Ex. 1.	
	Fact 20: Under section 6.a. of the Settlement Agreement, Orion agreed to generally “release and forever discharge each of Defendants and each’s respective shareholders, directors, officers, ... from all Claims ... , known and unknown.” S. Shen Decl., Ex. A; RJN, Ex. 1.	
	Fact 21: Under sections 1 through 3 of the Settlement Agreement, in exchange for the general release, Celestron and “Synta Parties” paid Orion \$500,000 and provided Orion a favorable supply agreement, and website domain URLs that included “Telescopes.com” (the “Hayneedle Assets”). S. Shen Decl., Ex. A; RJN, Ex. 1.	
	Fact 22: SW Technology performed all its required obligations under the Settlement Agreement and therefore SW Technology and its shareholders, which includes Synta Canada, are thus released from all claims by Orion. S. Shen Decl. ¶¶ 26, 27, Ex. A; RJN, Ex. 1.	
Claim 1		
Sherman Act, § 1; Cartwright Act – Conspiracy to Fix Prices		
As a Passive Holding Company, Synta Canada Did Not Engage in Price-Fixing	Fact 4: As an investment holding company over the years, Synta Canada invested in Suzhou Synta, SW Technology (2005), and Nantong Schmidt (2011). S. Shen Decl., ¶ 5; Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 36:7–17].	
	Fact 5: In or around the mid-2010s, Synta Canada engaged in some limited research and development (R&D) with the goal of developing electronic software for telescopes. S. Shen Decl., ¶ 7.	

Claim or Defense	Moving Party's Undisputed Facts/ Supporting Evidence	Opposing Party's Response/ Supporting Evidence
	<p>Fact 6: It ultimately only produced a limited amount of software, which it sold to Nantong Schmidt.</p> <p>S. Shen Decl., ¶ 7.</p>	
	<p>Fact 7: Synta Canada never manufactured or distributed telescopes or telescope accessories. Aside from briefly doing research and development work, it has primarily functioned as a passive holding company.</p> <p>S. Shen Decl., ¶ 6.</p>	
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	<p>Fact 9: Celestron is SW Technology's wholly owned subsidiary.</p> <p>Liu Decl. Ex. E [Huen Dep. I, 56:9–11]; S. Shen Decl. ¶ 16.</p>	
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	<p>Fact 11: Neither SW Technology nor ExCom exercised any control in the day-to-day business operations of Celestron.</p> <p>Liu Decl. Ex. A [S. Shen Dep. I, at 69:8-10, 73:13-15, 76:19-77:4]; S. Shen Decl. ¶ 24</p>	
	<p>Fact 12: By 2011, now purely a holding company, Synta Canada owned 24% of SW Technology, 20% of Suzhou Synta, and 20% of Nantong Schmidt, the successor to Suzhou Synta.</p>	

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	<p>Fact 14: For Synta Canada's research and development project, Synta Canada hired its first and only three long-term employees in 2011.</p> <p>Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 23:25–24:24].</p>	
	<p>Fact 15: The outcome of this research and development endeavor was only a limited amount of software, which was sold to Nantong Schmidt.</p> <p>Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 26:15–25, 27:1–12]; S. Shen Decl., ¶ 7.</p>	
	<p>Fact 16: The company only retained these employees until about 2018 and since then has remained employee-less.</p> <p>Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 24:11–16].</p>	
	<p>Fact 17: In 2013, Ningbo Sunny acquired Meade Instruments ("Meade").</p> <p>Liu Decl. Ex. F [P. Roth Dep. I at 29:4-6]; S. Shen Decl. ¶ 28.</p>	
	<p>Fact 18: Synta Canada had no role in the Meade Acquisition. It did not direct, authorize, or facilitate any part of the Meade Acquisition.</p> <p>Shen Decl. ¶ 29; Liu Decl. Ex. A [S. Shen Dep. I 21:2–7]</p>	
	Fact 19: In September 2016, during the beginning of the Orion litigation (N.D. Cal. Case No. 5:16-cv-06370-EJD), Celestron, SW	

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	Technology, and other named Defendants in this case entered into a Settlement Agreement with Orion. S. Shen Decl. ¶ 26, Ex. A; RJN, Ex. 1.	
	Fact 20: Under section 6.a. of the Settlement Agreement, Orion agreed to generally “release and forever discharge each of Defendants and each’s respective shareholders, directors, officers, ... from all Claims ... , known and unknown.” S. Shen Decl., Ex. A; RJN, Ex. 1.	
	Fact 21: Under sections 1 through 3 of the Settlement Agreement, in exchange for the general release, Celestron and “Synta Parties” paid Orion \$500,000 and provided Orion a favorable supply agreement, and website domain URLs that included “Telescopes.com” (the “Hayneedle Assets”). S. Shen Decl. ¶¶ 40–42, Ex. A; RJN, Ex. 1.	
	Fact 22: SW Technology performed all its required obligations under the Settlement Agreement and therefore SW Technology and its shareholders, which includes Synta Canada, are thus released from all claims by Orion. S. Shen Decl. ¶¶ 40–42, Ex. A; RJN, Ex. 1.	
As a Passive Holding Company, Synta Canada Had No Market Power to Divide or Monopolize the Market	Fact 4: As an investment holding company over the years, Synta Canada invested in Suzhou Synta, SW Technology (2005), and Nantong Schmidt (2011). S. Shen Decl., ¶ 5; Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 36:7–17].	
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	<p>Fact 6: It ultimately only produced a limited amount of software, which it sold to Nantong Schmidt.</p> <p>S. Shen Decl., ¶ 7.</p>	
	<p>Fact 7: Synta Canada never manufactured or distributed telescopes or telescope accessories. Aside from briefly doing research and development work, it has primarily functioned as a passive holding company.</p> <p>S. Shen Decl., ¶ 6.</p>	
	<p>Fact 8: SW Technology, a Delaware-incorporated holding company for specific purpose of acquiring Celestron, was formed in 2005 with Synta Taiwan as the majority investor and Synta Canada as the minority 15% owner, which later increased to 24% owner in 2019.</p> <p>Liu Decl. Ex. A [S. Shen Dep. I 63:15–64:11]; Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 42:4–19].</p>	
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	<p>Fact 12: By 2011, now purely a holding company, Synta Canada owned 24% of SW Technology, 20% of Suzhou Synta, and 20% of Nantong Schmidt, the successor to Suzhouynta.</p>	

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	Fact 14: For Synta Canada's research and development project, Synta Canada hired its first and only three long-term employees in 2011. Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 23:25–24:24].	
	Fact 15: The outcome of this research and development endeavor was only a limited amount of software, which was sold to Nantong Schmidt. Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 26:15–25, 27:1–12]; S. Shen Decl., ¶ 7.	
	Fact 16: The company only retained these employees until about 2018 and since then has remained employee-less. Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 24:11–16].	
	Fact 17: In 2013, Ningbo Sunny acquired Meade Instruments ("Meade"). Liu Decl. Ex. F [P. Roth Dep. I at 29:4-6]; S. Shen Decl. ¶ 28.	
	Fact 18: Synta Canada had no role in the Meade Acquisition. It did not direct, authorize, or facilitate any part of the Meade Acquisition. Shen Decl. ¶ 29; Liu Decl. Ex. A [S. Shen Dep. I 21:2–7]	
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	Technology, and other named Defendants in this case entered into a Settlement Agreement with Orion. S. Shen Decl. ¶ 26, Ex. A; RJN, Ex. 1.	
	Fact 20: Under section 6.a. of the Settlement Agreement, Orion agreed to generally “release and forever discharge each of Defendants and each’s respective shareholders, directors, officers, ... from all Claims ... , known and unknown.” S. Shen Decl., Ex. A; RJN, Ex. 1.	
	Fact 21: Under sections 1 through 3 of the Settlement Agreement, in exchange for the general release, Celestron and “Synta Parties” paid Orion \$500,000 and provided Orion a favorable supply agreement, and website domain URLs that included “Telescopes.com” (the “Hayneedle Assets”). S. Shen Decl. ¶¶ 40–42, Ex. A; RJN, Ex. 1.	
	Fact 22: SW Technology performed all its required obligations under the Settlement Agreement and therefore SW Technology and its shareholders, which includes Synta Canada, are thus released from all claims by Orion. S. Shen Decl. ¶¶ 40–42, Ex. A; RJN, Ex. 1.	
Synta Canada Had No Role in the 2013 Meade Acquisition	Fact 17: In 2013, Ningbo Sunny acquired Meade Instruments (“Meade”). Liu Decl. Ex. F [P. Roth Dep. I at 29:4-6]; S. Shen Decl. ¶ 28.	
	Fact 18: Synta Canada had no role in the Meade Acquisition. It did not direct, authorize, or facilitate any part of the Meade Acquisition. Shen Decl. ¶ 29; Liu Decl. Ex. A [S. Shen Dep. I 21:2–7]	

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Synta Canada Did Not Unlawfully Use or Share any Non-Public Information	<p>Fact 10: As Synta Taiwan's subsidiary, SW Technology never directly engaged in the manufacturing, sale, or purchase of telescopes.</p> <p>Shen Decl. ¶ 23.</p>	
	<p>Fact 11: Neither SW Technology nor ExCom exercised any control in the day-to-day business operations of Celestron.</p> <p>Liu Decl. Ex. A [S. Shen Dep. I, at 69:8-10, 73:13-15, 76:19-77:4]; S. Shen Decl. ¶ 24</p>	
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	<p>Fact 18: Synta Canada had no role in the Meade Acquisition. It did not direct, authorize, or facilitate any part of the Meade Acquisition.</p> <p>Shen Decl. ¶ 29; Liu Decl. Ex. A [S. Shen Dep. I 21:2-7]</p>	
	<p>Fact 19: In September 2016, during the beginning of the Orion litigation (N.D. Cal. Case No. 5:16-cv-06370-EJD), Celestron, SW Technology, and other named Defendants in this case entered into a Settlement Agreement with Orion.</p> <p>S. Shen Decl. ¶ 26, Ex. A; RJN, Ex. 1.</p>	
	<p>Fact 20: Under section 6.a. of the Settlement Agreement, Orion agreed to generally "release and forever discharge each of Defendants and each's respective shareholders, directors, officers, ... from all Claims ... , known and unknown."</p> <p>S. Shen Decl., Ex. A; RJN, Ex. 1.</p>	
	<p>Fact 21: Under sections 1 through 3 of the Settlement Agreement, in exchange for the general release, Celestron and "Synta Parties"</p>	

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	<p>paid Orion \$500,000 and provided Orion a favorable supply agreement, and website domain URLs that included "Telescopes.com" (the "Hayneedle Assets").</p> <p>S. Shen Decl. ¶¶ 40–42, Ex. A; RJN, Ex. 1.</p> <p>Fact 22: SW Technology performed all its required obligations under the Settlement Agreement and therefore SW Technology and its shareholders, which includes Synta Canada, are thus released from all claims by Orion.</p> <p>S. Shen Decl. ¶¶ 40–42, Ex. A; RJN, Ex. 1.</p>	
Synta Canada's Business Purpose Was Legitimate and Pro-Competitive	<p>Fact 1: Synta Canada was founded by Defendant David Shen, Sylvia Shen, and Jack Chen in December 1996 after Sylvia Shen and her husband, Jack Chen emigrated to Canada.</p> <p>Liu Decl. Ex. C [S. Shen 30(b)(6) 21:25–22:77]. Declaration of Sylvia Shen [S. Shen Decl. ¶¶ 2, 3].</p>	
	<p>Fact 2: One of the first projects it invested in was Suzhou Synta in 1998.</p> <p>S. Shen Decl. ¶ 3.</p>	
	<p>Fact 3: Initially, David Shen owned 50%, Sylvia Shen owned 30%, and Jack Chen owned 20% of Synta Canada, until the Shen Family Trust and the Chen Family Trust took ownership shares in October 2016.</p> <p>S. Shen Decl. ¶ 4.</p>	
	<p>Fact 4: As an investment holding company over the years, Synta Canada invested in Suzhou Synta, SW Technology (2005), and Nantong Schmidt (2011).</p> <p>S. Shen Decl., ¶ 5; Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 36:7–17].</p>	
	<p>Fact 5: In or around the mid-2010s, Synta Canada engaged in some limited research and development (R&D) with the goal of</p>	

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	developing electronic software for telescopes. S. Shen Decl., ¶ 7.	
	Fact 6: It ultimately only produced a limited amount of software, which it sold to Nantong Schmidt. S. Shen Decl., ¶ 7.	
	Fact 7: Synta Canada never manufactured or distributed telescopes or telescope accessories. Aside from briefly doing research and development work, it has primarily functioned as a passive holding company. S. Shen Decl., ¶ 6.	
	Fact 8: SW Technology, a Delaware-incorporated holding company for specific purpose of acquiring Celestron, was formed in 2005 with Synta Taiwan as the majority investor and Synta Canada as the minority 15% owner, which later increased to 24% owner in 2019. Liu Decl. Ex. A [S. Shen Dep. I 63:15–64:11]; Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 42:4–19].	
	Fact 9: Celestron is SW Technology's wholly owned subsidiary. Liu Decl. Ex. E [Huen Dep. I, 56:9–11]; S. Shen Decl. ¶ 16.	
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	<p>Fact 12: By 2011, now purely a holding company, Synta Canada owned 24% of SW Technology, 20% of Suzhou Synta, and 20% of Nantong Schmidt, the successor to Suzhou Synta.</p> <p>Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 36:22–25, 37:1–10].</p>	
Claim 2 Sherman Act, § 1; Cartwright Act – Conspiracy to Allocate/Divide the Market		
Synta Canada Had No Market Power	<p>Fact 4: As an investment holding company over the years, Synta Canada invested in Suzhou Synta, SW Technology (2005), and Nantong Schmidt (2011).</p> <p>S. Shen Decl., ¶ 5; Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 36:7–17].</p>	
	<p>Fact 5: In or around the mid-2010s, Synta Canada engaged in some limited research and development (R&D) with the goal of developing electronic software for telescopes.</p> <p>S. Shen Decl., ¶ 7.</p>	
	<p>Fact 6: It ultimately only produced a limited amount of software, which it sold to Nantong Schmidt.</p> <p>S. Shen Decl., ¶ 7.</p>	
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Synta Canada Did Not Attempt to Allocate or Divide the Market	Fact 17: In 2013, Ningbo Sunny acquired Meade Instruments ("Meade"). Liu Decl. Ex. F [P. Roth Dep. I at 29:4-6]; S. Shen Decl. ¶ 28.	
	Fact 18: Synta Canada had no role in the Meade Acquisition. It did not direct, authorize, or facilitate any part of the Meade Acquisition. Shen Decl. ¶ 29; Liu Decl. Ex. A [S. Shen Dep. I 21:2–7]	
Claim 3: Sherman Act, § 2; Clayton Act, § 7 – Monopolization, Attempted Monopolization, Conspiracy to Monopolize (2013 to present)		
Synta Canada Had No Market Power to Divide or Monopolize the Market	Fact 4: Early on, in 1998, Synta Canada invested in Suzhou Synta; meanwhile, the company also sought to import and export goods between Canada and Taiwan. Liu Decl., Ex. A [S. Shen Dep. I 90:2–5]; S. Shen Decl., ¶ 3.	
	Fact 5: Synta Canada began as and remained a small project for some time. It generated very little income—so little income, in fact,	

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	that David did not receive any income from Synta Canada. Liu Decl. Ex. A, [S. Shen Dep. I 92:20–25]; Liu Decl. Ex. D [D. Shen Dep. II 26:5–10].	
	Fact 7: Having had little success in its first decade, Synta Canada shifted its focus to solely investment. Liu Decl. Ex. A [S. Shen Dep. I 92:20–25].	
	Fact 8: In around 2005, Synta Canada allocated its resources towards its investments in SW Technology—and on 2011, Nantong Schmidt. Liu Decl. Ex. C [S. Shen Dep. 30(b)(6) 36:7–17].	
	Fact 9: SW Technology, a Delaware-incorporated holding company for specific purpose of acquiring Celestron, was formed in 2005 with Synta Taiwan as the majority investor and Synta Canada as the minority 15% owner, which later increased to 24% owner in 2019. Liu Decl. Ex. A, C (S. Shen Dep. 63–64:15–11; S. Shen Dep. 30(b)(6) 42:4–19).	
	Fact 25: Synta Canada did not manufacture or distribute telescopes for sale in the U.S. during the class period. D. Shen Decl. Ex. C [S. Shen Dep. III] 23:8–10, 23:20–23.)	
Synta Canada Had No Role in the 2013 Meade Acquisition	Fact 17: In 2013, Ningbo Sunny acquired Meade Instruments (“Meade”). Liu Decl. Ex. F [P. Roth Dep. I at 29:4–6]; S. Shen Decl. ¶ 28.	
	Fact 18: Synta Canada had no role in the Meade Acquisition. It did not direct, authorize, or facilitate any part of the Meade Acquisition. Shen Decl. ¶ 29; Liu Decl. Ex. A [S. Shen Dep. I 21:2–7]	

Claim or Defense	Moving Party's Undisputed Facts/ Supporting Evidence	Opposing Party's Response/ Supporting Evidence
Claim 4: Unfair Competition Law (Bus. & Prof. Code, § 17200) – Unlawful, unfair, or fraudulent business practices		
There is no evidence that Synta Canada engaged in any unlawful, unfair, or fraudulent business practices	Defendants incorporate by reference Facts 1-22 as though fully set forth herein.	

DATED: March 7, 2025

FROST LLP



By:

CHRISTOPHER FROST

JOHN D. MAATTA

JOSHUA S. STAMBAUGH

LAWRENCE J.H. LIU

Attorneys for Defendants Celestron Acquisition, LLC, Synta Technology Corp., Suzhou Synta Optical Technology Co., Ltd., Synta Canada Int'l Enterprises Ltd., SW Technology Corp., Olivon Manufacturing Co. Ltd., Olivon USA, LLC, Nantong Schmidt Optoelectrical Technology Co. Ltd., Pacific Telescope Corp., Corey Lee, David Shen, Sylvia Shen, Jack Chen, Jean Shen, Joseph Lupica, Dave Anderson, Laurence Huen

ATTESTATION

I attest that the evidence cited herein fairly and accurately supports or disputes the facts as asserted.

DATED: March 7, 2025

FROST LLP

By:



CHRISTOPHER FROST

JOHN D. MAATTA

JOSHUA S. STAMBAUGH

LAWRENCE J.H. LIU

Attorneys for Defendants Celestron Acquisition, LLC,
Synta Technology Corp., Suzhou Synta Optical
Technology Co., Ltd., Synta Canada Int'l Enterprises
Ltd., SW Technology Corp., Olivon Manufacturing
Co. Ltd., Olivon USA, LLC, Nantong Schmidt
Optoelectrical Technology Co. Ltd., Pacific Telescope
Corp., Corey Lee, David Shen, Sylvia Shen, Jack Chen,
Jean Shen, Joseph Lupica, Dave Anderson, Laurence
Huen